

State of New Jersey
Department of Health and Senior Services
Nursing Home Administrators Licensing Board

New Jersey Statutes Annotated 30:11-1 through 28

30:11-1. Public policy; license required; application

It is declared to be the public policy of this State to provide for the development, establishment and enforcement of basic standards for the care and treatment of individuals in private mental hospitals, convalescent homes, private nursing homes and private hospitals as defined herein and for the construction, maintenance and operation of such institutions in such a manner as to insure safe and adequate treatment of all such individuals in said private mental hospitals, convalescent homes, private nursing homes and private hospitals. No private nursing home, private mental hospital, convalescent home or private hospital for the care, treatment, or nursing of persons mentally ill, mentally deficient or mentally retarded, acutely or chronically ill, or who are crippled, convalescent, infirm or in any way afflicted, and who are in need of medical and nursing care on a continuing basis shall operate within this State except upon license first had and obtained for that purpose from the department, upon application made therefor as hereinafter provided. No such license shall be granted by the department, unless the commissioner shall be satisfied that the institution, facility or establishment in question is adequately prepared to furnish the care and service to be provided by it. No license shall be granted to a hospital facility unless the commissioner is satisfied that it is adequately prepared to provide all services and care required by the residents of the community wherein it is located. Nothing herein contained shall be so construed as to interfere with the powers of the State Board of Medical Examiners to license medical practitioners in New Jersey.

Application for the license required by this chapter shall be made upon forms furnished by the department, shall set forth the location of the home or hospital, the person in charge thereof, and the facilities for caring for persons who may seek treatment therein. The applicant shall be required to furnish evidence of its ability to comply with minimum standards of medical and nursing care, financial ability to successfully operate the institution for which the license is sought, and of the good moral character of the person in charge thereof.

Amended by L.1947, c. 340, p. 1091, s. 1; L.1952, c. 211, p. 738, s. 2; L.1956, c. 161, p. 643, s. 1; L.1964, c. 148, s.1.

30:11-1.1. Qualifications of applicant

Except as to persons presently licensed, no license shall be issued to a natural person unless he is a citizen of the United States and a resident of the State of New Jersey at the time of the submission of the application. No license shall be issued to any person under the age of 21 years; to any person who has been convicted of a crime involving moral turpitude; or to any person who has been twice found guilty of violating the provisions of this chapter by a court of competent jurisdiction or who has admitted such guilt.

L.1964, c. 148, s. 2.

30:11-1.2. Corporate applications

No license shall be issued to any corporation not presently licensed unless each legal or equitable owner of more than 10% of its stock qualifies in all respects as an individual applicant. In applications by corporations, the names and addresses of, and the amount of stock held by, all stockholders holding one or more percent of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application. If one or more of such officers or members of the board of directors would fail to qualify as an individual applicant in all respects, no license shall be granted, until such persons so disqualified shall be qualified.

L.1964, c. 148, s. 3.

30:11-1.3. Partnership applications

In applications by partnerships, the applications shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants or until such disqualification is removed.

L.1964, c. 148, s. 4.

30:11-1.4. Investigation of applicant and facilities; issuance of license; transferability

Upon receipt of an application for license, the Department of Institutions and Agencies shall cause an investigation to be made of the applicant and the proposed facilities and shall issue a license if it is found that said applicant is of good moral character and facilities comply with the provisions of this chapter, the regulations of the department and the minimum standards established for the operation of a private mental hospital, convalescent home, private nursing home or private hospital. The department may in its discretion, for good cause, issue a temporary permit to operate or a provisional or probationary license for a stated period of time pending full compliance by the licensee with rules and regulations establishing minimum standards of operation. The license shall not be transferable or assignable except with the written approval of the department and shall be posted in a conspicuous place on the licensed premises as prescribed by the regulations of the department.

L.1964, c. 148, s. 5.

30:11-1.5. Notice of change in facts in application; questions to applicants; declarations; effect of fraud and misrepresentation

Whenever any change shall occur in the facts as set forth in any application for a license, the licensee shall file with the commissioner, a notice in writing of such change within 10 days after the occurrence thereof. No notice need be given by corporate licensees of changes in stock holdings therein unless and until the aggregate of such changes, if made before the time of said application, would have prevented the issuance of the license.

Applicants shall answer such questions as may be asked concerning their character, financial ability, residence, citizenship and ability to operate a nursing home or hospital and make such declarations as shall be required. All applicants may be duly sworn and all statements and applications shall be deemed material. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for denial, suspension or revocation of the license.

L.1964, c. 148, s. 6.

30:11-1.6. Structural changes not required as condition to obtaining license or renewal

Nothing in this chapter shall be construed to require a licensee holding a license at the time this act is approved, as a condition precedent to obtaining a renewal of such license, to make structural changes, other than maintenance and repairs, to the licensed facility or to increase or decrease the bed capacity thereof; nor to require a purchaser of such nursing home licensed at the time this act shall be approved, as a condition precedent to obtaining a license, to make such structural changes, other than maintenance and repairs, to said licensed facility or to increase or decrease the bed capacity thereof.

L.1964, c. 148, s. 7.

30:11-1.7. Rules, regulations and standards

The State Board of Control of the Department of Institutions and Agencies, with the advice of the hospital licensing board, shall adopt, amend, promulgate and enforce such rules, regulations, and minimum standards of nursing and hospital care with respect to the different types of hospitals, convalescent homes and nursing homes to be licensed hereunder as may be reasonably necessary to accomplish the purposes of this chapter and to assure that patients resident in the institutions described herein shall receive medical and nursing care consistent with accepted practices and procedures for administering such medical and nursing care in physical surroundings and under circumstances conducive to the recovery and convalescence of all patients in such institutions. The State Board of Control of the Department of Institutions and Agencies with the advice of the hospital licensing board may assess penalties and collect the same within the limitations imposed by this chapter. Such rules, regulations and minimum standards may include, but shall not be limited to, the regulation of medical and nursing care, extent of furnishing same, sanitation, dietetics, except where the diet has been prescribed by a licensed physician, heat, light, air, fire prevention and control, space allocation for patient care, housing and recreation facilities and related matters dealing with patient care and comfort and when adopted shall be binding upon all licensees and applicants for license under this chapter.

L.1964, c. 148, s. 8. Amended by L.1968, c. 355, s. 1, eff. Nov.26, 1968.

30:11-1.8. Mailing copies of proposed rules, regulations and standards; notice; hearing

Copies of proposed rules, regulations or minimum standards shall be mailed by certified mail to such persons who have filed with the department a written request for such proposed rules, regulations or minimum standards. Except in the case of an emergency, no rule, regulation or minimum standard shall be adopted until copies of said proposed rule, regulation or minimum standard shall be mailed to those persons who have requested them together with a notice of the time and place of a hearing to be had on such proposed rule, regulation or minimum standard.

No hearing so held shall be held earlier than 30 days after the mailing of such proposed rule, regulation or minimum standard and notice of hearing.

L.1964, c. 148, s. 9.

30:11-1.9. Existing hospitals or homes to be given reasonable time to comply with rules, regulations or standards

Any private hospital, convalescent home, private mental hospital, or private nursing home which is in operation at the time of promulgation of any applicable rules or regulations or minimum standards under this act shall be given a reasonable time, not to exceed 2 years from the date of such promulgation, within which to comply with such rules and regulations and minimum standards, or subsequent amendments or supplements thereto.

L.1964, c. 148, s. 10.

30:11-2. Duration of license; fee for issue or renewal

A license to operate a private mental hospital, private nursing home or private hospital shall be valid for 1 year from date of issue, and, upon issuance or renewal of such license, the commissioner shall collect, respectively, a fee of \$25.00, which shall be paid into the General State Fund and the cost of administration of this chapter shall be provided for in the annual appropriation law.

Amended by L.1950, c. 38, p. 74, s. 1; L.1956, c. 161, p. 645, s. 2.

30:11-3. Penalties, denial, revocation or suspension of licenses; probationary or provisional licenses; notice; hearings

The State Board of Control, after serving the licensee with specific charges in writing at least 30 days in advance of the hearing, and after hearing, may assess penalties and collect the same within the limitations imposed by this chapter, deny, place on probationary or provisional license, revoke or suspend any and all licenses granted under authority of this chapter to any person, firm, partnership, corporation or association violating the provisions of this chapter, or the rules and regulations promulgated hereunder.

Prior to the assessment of penalties or the revocation, suspension or denial or placing on probationary or provisional license of any license hereunder, the department shall afford the licensee an opportunity for a prompt and fair hearing before the department on the question of the issuance, suspension or the placing on a probationary or provisional license, or revocation of the license. The procedure governing such hearings shall be in accordance with the rules and regulations of the department adopted by and with the consent of the hospital licensing board. Either party may be represented by counsel of his own choosing, subpoena witnesses and compel their attendance on forms furnished by the department.

Notice of the assessment of penalties, revocation, suspension, the placing on probationary or provisional license or denial of a license together with a specification of charges shall be sent to the applicant or licensee by registered mail and the notice shall set forth the particular reasons for the denial, suspension, the placing on probationary or provisional license or revocation of the license. Such denial, suspension, the placing on probationary or provisional license, or revocation shall become effective 30 days after mailing, unless the applicant or licensee, within such 30-day period shall meet the requirements of the department or shall give written notice to the department of its desire for a hearing, in which case the denial, suspension, the placing on probationary or provisional license, or revocation shall be held in abeyance until the hearing has been concluded and a final decision rendered; provided, however, that such applicant or licensee may appeal from such denial, suspension, placing on probationary or provisional license, or revocation, to any court having jurisdiction of such matter.

The Commissioner of the Department of Institutions and Agencies shall arrange for prompt and fair hearings on all such cases, render written decisions stating conclusions and reasons therefor upon each matter so heard, and is empowered to enter orders of denial, suspension, placing on probationary or provisional license or revocation consistent with the circumstances in each case, and may assess penalties and collect the same within the limitations imposed by this chapter.

Amended by L.1947, c. 340, p. 1093, s. 3; L.1964, c. 148, s. 11; L.1968, c. 355, s. 2, eff. Nov. 26, 1968.

30:11-3.1. Inspection; alterations, additions or improvements

The department shall make or cause to be made such inspections of the premises of the licensee from time to time as it may deem necessary to be assured that the licensee is at all times complying with the provisions of this chapter, with the rules and regulations promulgated hereunder and with the minimum standards of medical and nursing care established by virtue of the authority of this chapter. The licensee, prior to making any alterations, additions or improvements to its facilities or prior to the construction of new facilities shall, before commencing such work, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect thereto. No such plan shall be disapproved if it complies with minimum requirements.

L.1947, c. 340, p. 1095, s. 6. Amended by L.1964, c. 148, s. 12.

30:11-4. Violations; penalties; civil action; injunction

30:11-4. (a) Any person, firm, partnership, corporation or association who shall operate or conduct a private mental hospital, convalescent home, private nursing home or private hospital without first obtaining the license required by this chapter, or who shall operate such private nursing home, convalescent home or private hospital after revocation or suspension of license shall be liable to a penalty of \$25.00 for each day of operation in violation hereof for the first offense and for any subsequent offense shall be liable to a penalty of \$50.00 for each day of operation in violation hereof. Any person, firm, partnership, corporation or association who shall be found guilty of violating any rule or regulation adopted in accordance with this chapter as the same pertains to the care of patients and neglects to rectify the same within seven days after receiving notice from the department of such violation or who neglects to commence, within seven days, such repairs to his licensed establishment after receiving notice from the department that a hazardous or unsafe condition exists in or upon the structure in which the licensed premises is maintained shall be subject to a penalty of not less than \$10.00 or more than \$25.00 for each day that he is in violation of such rule or regulation. If, within 1 year after such violation such person, firm, partnership, corporation or association is found guilty of the same violation such penalties as hereinbefore set forth shall be doubled, and if there be a third violation within such time, such penalties shall be tripled. In addition thereto the board may, in its discretion, suspend the license for such time as it may deem proper.

Any person, firm, partnership, corporation or association who shall, except in cases of an emergency, maintain more patients in his premises than he is licensed so to do, shall be subject to a penalty in an amount equal to the charge collected from such patient or patients plus \$10.00 for each extra patient so maintained.

The State Board of Human Services, with the approval of the Attorney General, is hereby authorized and empowered to compromise and settle claims for money penalties in appropriate circumstances where it appears to the satisfaction of the board that payment of the full penalty will work severe hardship on any individual not having sufficient financial ability to pay the full penalty but in no case shall the penalty be compromised for a sum less than \$250.00 for the first offense and \$500.00 for the second and each subsequent offense; provided however, that any penalty of less than \$250.00 or \$500.00, as the case may be, may be compromised for a lesser sum.

The penalties authorized by this section shall be recovered in a civil action, brought in the name of the State of New Jersey in the Superior Court, which court shall have jurisdiction of all actions to recover such penalties. No money penalties provided for herein shall be required to be paid until the appellate procedures provided for in the courts shall have been exhausted and then only if on appeal it is determined that the licensee was in violation of the provisions hereof or the rules and regulations of the Board of Human Services establishing minimum standards of operation. No penalties shall be assessed for the period of time following the filing of an appeal with the appropriate appellate court from a determination adverse to the licensee rendered by the department and until such appellate court or courts shall have rendered a final decision, and any penalties assessed prior thereto shall be recoverable only to the extent that the appellate court or courts affirms the decision of the department in the first instance. Money penalties, when recovered, shall be payable to the General State Fund.

The department may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunction against any person, firm, partnership, association or corporation continuing to conduct, manage or operate a private nursing home, convalescent home or private hospital without a license, or after suspension or revocation of license.

The practice and procedure in actions instituted under authority of this section shall conform to the practice and procedure in the court in which the action is instituted.

(b) Whenever a boarding home for sheltered care, boarding house or rest home or facility or institution of like character, not licensed hereunder, by public or private advertising or by other means holds out to the public that it is equipped to provide post-operative or convalescent care for persons mentally ill or mentally retarded or who are suffering or recovering from illness or injury, or who are chronically ill, or whenever there is reason to believe that any such facility or institution, not licensed hereunder, is violating any of the provisions of this chapter, then, and in such case, the department shall be permitted reasonable inspection of such premises for the purpose of ascertaining whether there is any violation of the provisions hereof.

Any person, firm, association, partnership or corporation, not licensed hereunder, but who holds out to the public by advertising or other means that the medical and nursing care contemplated by this chapter will be furnished to persons seeking admission as patients shall cease and desist from such practice and shall be liable to a penalty of \$100.00 for the first offense and \$200.00 for each subsequent offense, such penalty to be recovered as provided for herein. If any such boarding home for sheltered care, boarding house, rest home or other facility or institution shall operate as a private mental hospital, convalescent home, private nursing home or private hospital in violation of the provisions of this act and any supplements thereto then the same shall be liable to the penalties which are prescribed and capable of being assessed against hospitals or nursing homes pursuant to subsection (a) of this section.

Amended 1947,c.340,s.4; 1952,c.211,s.3; 1956,c.161,s.3; 1964,c.148,s.13; 1968,c.355,s.3; 1991,c.91,s.336.

30:11-6. Hospital licensing board; appointment; terms; compensation

The State Board of Control, subject to the approval of the Governor, shall appoint a hospital licensing board which shall consist of the Commissioner of the Department of Institutions and Agencies, the State Director of Health, the president of the State Board of Medical Examiners, 2 hospital administrators of recognized ability and 6 qualified persons, 2 of whom shall represent the interests of the public at large, one of whom shall have special qualifications and training in the field of nursing, one of whom shall be selected from among the official boards and administrators of the several nonprofit homes for the aged and 2 of whom shall be selected from among the owners and administrators of the several private nursing homes. The board shall be representative of the aforementioned groups and shall be appointed for terms of 6 years, except when appointed to complete an unexpired term. Members whose terms expire shall hold office until appointment of their successors. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their official duty.

L.1947, c. 340, p. 1095, s. 7. Amended by L.1956, c. 161, p. 647, s. 4; L.1962, c. 243, s. 1; L.1965, c. 31, s. 1.

30:11-7. Duties of hospital licensing board

The hospital licensing board shall have the following responsibilities and duties:

a. To consult and advise with the State Board of Control of the Department of Institutions and Agencies in matters of policy affecting the administration of this chapter and in the development of rules, regulations and minimum standards of nursing and medical care as provided for herein.

b. To review and make recommendations with respect to such rules, regulations and minimum standards authorized hereunder prior to their promulgation by the State Board of Control.

The board shall meet not less than once each year and, in addition, as often as shall be required to conduct the business of the board and to assist and advise in the administration of the duties and responsibilities imposed by this chapter.

L.1947, c. 340, p. 1096, s. 8. Amended by L.1964, c. 148, s. 14.

30:11-8. Definitions; Federal funds; private and public institutions must comply with rules and regulations as condition precedent

A private mental hospital, private nursing home, convalescent home or private hospital, for the purpose of this chapter, is defined as any institution, whether operated for profit or not, which is not maintained, supervised or controlled by an agency of the government of the State or of any county or municipality, and which maintains and operates facilities for the diagnosis, treatment or care of 2 or more nonrelated individuals, who are patients as defined herein.

The word "hospital" as used herein shall not be deemed to include first-aid stations for emergency medical or surgical treatment where no continuous bed care or protracted treatment is contemplated or performed.

As used in this chapter a "patient" is a person who is suffering from mental illness, mental deficiency, mental retardation, an acute or chronic illness or injury, or who is crippled, convalescent or infirm and who is in need of medical and nursing care on a continuing basis, or who is in need of obstetrical or other medical or nursing care. Infirm is construed to mean that the individual is in need of assistance in bathing, dressing or some type of supervision.

As used herein, a "boarding house" shall be construed to be a family home or larger structural unit in which, for compensation, persons are given room and board including or not including, as the case may be, heat, light, toilet and bathroom facilities; and in which there is no agreement between operator and boarder to give personal care or special attention.

As used herein, a "boarding home for sheltered care" is defined as any establishment, a single or multiple dwelling, public or private, incorporated or unincorporated, for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association, which furnishes food and shelter to 4 or more adult persons unrelated to the proprietor and which provides any personal care or service beyond food, shelter and laundry, to any one or more of such persons, excluding, however, any privately operated establishment licensed under this chapter.

Any private mental hospital, private nursing home, convalescent home or private hospital, as well as institutions operated and maintained by any agency of the government of any county or municipality which shall apply for and receive Federal funds under the provisions of Public Law 725 of the 79th Congress, Chapter 958, 2d Session, shall be required to comply, as a condition precedent to receiving such funds, with the rules and regulations and the minimum standards of nursing and hospital care provided for in this chapter.

L.1947, c. 340, p. 1093, s. 2. Amended by L.1952, c. 211, p. 741 s. 4; L.1956, c. 161, p. 648, s. 5; L.1964, c. 148, s. 15.

30:11-9. Practices contrary to beliefs of religious denominations; facilities available in vicinity; healing by prayer

Nothing in this act or in chapter eleven of Title 30 of the Revised Statutes shall give the licensing authority or agency herein provided for the power or authority to require any hospital to practice or permit sterilization of human beings, euthanasia, birth control or any other similar practice contrary to the dogmatic or moral beliefs of any well established religious body or denomination, nor shall any of the provisions thereof vest authority or be construed to vest authority in the Department of Institutions and Agencies or in the licensing authority or agency herein provided for to deny any application for license or approval as may be required by this act or said chapter on the sole ground that adequate hospital or nursing home facilities are already available in the vicinity or area for which the license or approval is sought.

Nothing in this act or in chapter eleven of Title 30 of the Revised Statutes shall be so construed as to give authority to supervise or regulate or control the remedial care or treatment of individual patients who are adherents of any well recognized church or religious denomination which subscribes to the act of healing by prayer and the principles of which are opposed to medical treatment and who are resident in any home or institution operated by a member or members, or by an association or corporation composed of members of such well recognized church or religious denomination; provided, that such home or institution admits only adherents of such church or denomination and is so designated; nor shall the existence of any of the above conditions alone militate against the licensing of such a home or institution; and provided further, that such home or institution shall comply with all rules and regulations relating to sanitation and safety of the premises and be subject to inspection therefor.

Nothing herein contained shall modify or repeal any laws, rules, and regulations governing the control of communicable diseases.

L.1947, c. 340, p. 1096, s. 9.

30:11-10. Provisions applicable to private mental hospitals

The provisions of article 3 of chapter 4 of Title 30 of the Revised Statutes, except as concerning or pertaining to the investigation and determination of legal settlement and indigence of patients, shall apply to duly licensed private mental hospitals for the care and treatment of the mentally ill, mentally deficient and mentally retarded and every license issued hereunder shall be the licensee's authority to receive and hold a person duly admitted or committed pursuant to law.

L.1956, c. 161, p. 649, s. 6.

30:11-11. Public policy; license required; application

It is declared to be the public policy of this State to provide for the development, establishment and enforcement of basic standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes as defined in chapter 11 of Title 30 to insure safe and adequate treatment of all individuals in convalescent homes and private nursing homes. No convalescent home or private nursing home shall operate in this State under the supervision of an individual acting as administrator except upon license first had and obtained for that purpose from the department. Nothing herein contained shall be so construed as to interfere with the powers of the State Board of Medical Examiners to license medical practitioners in New Jersey.

L.1968, c. 356, s. 1, eff. Jan. 1, 1970.

30:11-12. Applications for license; evidence of ability to comply with minimum standards

Application for license required by this act shall be made upon forms furnished by the Commissioner of the Department of Institutions and Agencies. The applicant shall be required to furnish evidence of his or her ability to comply with the minimum standards for administrators to successfully supervise the institution for which the license is sought.

L.1968, c. 356, s. 2, eff. Jan. 1, 1970.

30:11-13. Licensing of nursing home administrators; regulations

Upon receipt of an application for license and a license fee of \$100, and an examination fee of \$100, the department shall cause an investigation to be made of the applicant and shall issue a license if it is found that said applicant is of good moral character and complies with the provisions of this act, the regulations of the department and the minimum standards established for the administration of a convalescent home or private nursing home. The license shall not be transferable or assignable and shall be posted in a conspicuous place on the licensed premises wherein the individual acts as an administrator, as prescribed by the regulations of the department. The Commissioner of Health, with the advice of the Nursing Home Administrators' Licensing Board, shall adopt, amend, promulgate and enforce such rules, regulations, and minimum standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes to be licensed hereunder as may be reasonably necessary to accomplish the purposes of this chapter. In addition, the commissioner shall adopt rules and regulations to provide for such periodic increases in the license fee and the examination fee as the commissioner deems necessary. Such rules, regulations and minimum standards when adopted shall be binding upon all licensees and applicants for a license under this chapter. Licensees and applicants for a license as a convalescent home or private nursing home administrator of an institution or home conducted exclusively for persons who rely upon treatment by spiritual means alone through prayer in accordance with the creed or tenets of a recognized church or religious denomination as described in section 9 of P.L.1947, c.340 (C.30:11-9) shall meet all rules, regulations, and minimum standards prescribed by the board, except medical rules, regulations, and minimum standards.

L.1968,c.356,s.3; amended 1970,c.169; 1986,c.100,s.1; 1991,c.78,s.1.

30:11-14. \$100 fee for 2-year license

A license to act as an administrator of a convalescent home or private nursing home shall be valid for two years from the date of issue, and upon issuance or renewal of such license, the commissioner shall collect, respectively, a fee of \$100.00, which shall be paid into the General Fund, and the cost of administration of this act shall be provided for in the annual appropriation law.

L. 1968, c. 356, s. 4, eff. Jan. 1, 1970. Amended by L. 1986, c. 100, s. 2, eff. Aug. 27, 1986.

30:11-15. Conditional license; duration

Any administrator supervising any convalescent home or private nursing home in operation at the time of promulgation of any applicable rules, regulations or minimum standards under this act, who during the calendar year immediately preceding January 1, 1970, has served as a convalescent or nursing home administrator and who fails to meet the minimum standards shall receive a conditional license from the department notwithstanding any standards developed, imposed and enforced by the department pursuant to this act, except other than such standards as relate to good moral character or suitability: providing, however, that such conditional license shall expire in 2 years or on June 30, 1972,

whichever is earlier, and shall not be renewable. There shall be provided by the department during the period for which such conditional license is in effect, a training and instruction program designed to enable all individuals, with respect to whom such conditional license is issued, to qualify for a permanent license.

L.1968, c. 356, s. 5, eff. Jan. 1, 1970.

30:11-16. Denial, suspension or revocation of license

The State Board of Control, after serving the licensee with specific charges in writing, at least 30 days in advance of a hearing, and after hearing, may deny, revoke, or suspend any and all licenses granted under authority of this act to any person violating the provisions of this act, or the rules and regulations promulgated hereunder.

L.1968, c. 356, s. 6, eff. Jan. 1, 1970.

30:11-17. Hearing; procedure

The Nursing Home Administrator's Licensing Board shall afford the licensee an opportunity for a prompt and fair hearing before deciding on the matter of suspension, revocation or denial of any license. The procedure governing such hearing shall be in accordance with the rules and regulations of the department adopted by The Board of Control and with the consent of the nursing home administrator's licensing board. Either party may be represented by counsel of their own choosing, subpoena witnesses and compel their attendance on forms furnished by the department.

L.1968, c. 356, s. 7, eff. Jan. 1, 1970.

30:11-18. Notice; specification of charges; hearing; appeal

Notice of the pending revocation, suspension, or denial of a license together with a specification of charges shall be sent to the applicant or the licensee by registered mail. Denial, suspension or revocation shall become effective 30 days after mailing, unless the applicant or licensee within such 30-day period shall meet the requirements of the department or shall give written notice to the department of his desire for a hearing, in which case, the denial, suspension or revocation shall be held in abeyance until the hearing has been concluded and a final decision rendered; provided, however, that such applicant or licensee may appeal from such denial, suspension or revocation to any court having jurisdiction of such matters.

L.1968, c. 356, s. 8, eff. Jan. 1, 1970.

30:11-19. Arrangement of hearings; decisions

The Commissioner of the Department of Institutions and Agencies shall arrange for prompt and fair hearings on all such cases, render written decisions stating his conclusions and reasons therefor upon each matter heard, and is empowered to enter orders of denial, suspension or revocation consistent with the circumstances in each case.

L.1968, c. 356, s. 9, eff. Jan. 1, 1970.

30:11-20. Nursing home administrator's licensing board; appointment; membership; qualifications; terms; compensation; reimbursement for expenses

10. The Commissioner of the Department of Health and Senior Services subject to the approval of the Governor, shall appoint a Nursing Home Administrator's Licensing Board which shall consist of the Commissioner of the Department of Human Services; the Commissioner of the Department of Health and Senior Services, and seven nursing home administrators of recognized ability, two of whom shall be registered nurses who are graduates of accredited schools of nursing, licensed by the New Jersey State Board of Nursing to practice nursing in this State, one of whom shall be a fellow of the American College of Nursing Home Administrators, one of whom shall be a member of the American College of Nursing Home Administrators, one of whom shall be an administrator of a governmentally operated nursing home, one of whom shall be an administrator of a nonprofit home for the aged with a licensed infirmary, and one of whom shall be an administrator of a proprietary nursing home. There shall be appointed six additional members who shall be representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients other than nursing home administrators or persons associated with nursing homes, one of whom shall be a physician licensed to practice medicine in this State, but in no event shall a majority of the board be representative of a single professional or institutional category. Any noninstitutional member of the board, which does not include nursing home administrators, shall have no direct financial interest in nursing homes. Each member of the board who is a nursing

home administrator shall have a minimum of not less than five years' experience as an administrator in the supervision of a convalescent home or private nursing home and shall at all times be licensed as a nursing home administrator pursuant to the terms of this act. The board shall be appointed for terms of four years, except when appointed to complete an unexpired term. Members whose terms shall expire shall hold office until appointment of their successors. Members may be reappointed for one additional term. They shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

L.1968,c.356,s.10; amended 1969, c.174; 1975, c.8; 1997, c.110.

30:11-21. Responsibilities and duties of board

The nursing home administrator's licensing board shall have the following responsibilities and duties;

- a. Develop, and promulgate by regulation approved by the State Board of Control standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training, experience and education in the field of institutional administration, are qualified to serve as nursing home administrators;
- b. Develop and apply appropriate techniques, including examinations and investigations for determining whether an individual meets such standards;
- c. Issue licenses to individuals determined to meet such standards and recommend to the State Board of Control or the Commissioner of the Department of Institutions and Agencies the revocation, suspension or denial of licenses to be issued or previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;
- d. Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;
- e. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;
- f. Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;
- g. To study and identify the core of knowledge that should constitute minimally the training in the field of institutional administration which should qualify an individual to serve as a nursing home administrator;
- h. To study and develop model techniques for determining whether an individual possesses such qualifications;
- i. To study and develop model criteria for programs of training and to recommend such programs of training and instruction for those desiring to pursue a career in nursing home administration.

L.1968, c. 356, s. 11, eff. Jan. 1, 1970.

30:11-22. Nursing home administrator defined

As used in this act, the term "nursing home administrator" means any individual who is charged with the general administration or supervision of a nursing home or convalescent home whether or not such individual has an ownership interest in such home and whether or not his function or duties are shared with one or more other individuals.

L.1968, c. 356, s. 12, eff. Jan. 1, 1970.

30:11-23 Qualification of applicants, criminal history record background check.

13. Except as to persons who shall qualify for a conditional license pursuant to the provisions of this act, no license shall be issued to a person unless he is a citizen of the United States at the time of the submission of the

application, or has declared his intention of becoming a citizen of the United States in the form and manner prescribed by the Commissioner of Health and Senior Services. No license granted to a noncitizen shall be valid or be renewed after six years from the date of his declaration of intention unless he shall furnish evidence of his actually having become a citizen. No license shall be issued to any person under the age of 18 years; to any person who has ever been convicted of a crime involving moral turpitude; or to any person who has been found guilty of violating the provisions of this act by a court of competent jurisdiction or who has admitted such guilt.

For the purposes of this section, each applicant for a license shall submit to the commissioner the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The commissioner is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations, for purposes of facilitating determinations concerning licensure eligibility. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the commissioner in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed.

L.1968,c.356,s.13; amended 1973, c.178; 2003, c.199, s.16.

30:11-24. Notice of change in facts in application

Whenever any change shall occur in the facts as set forth in any application for a license, the licensee or applicant shall file with the commissioner a notice in writing of such change within 10 days after the occurrence thereof.

L.1968, c. 356, s. 14, eff. Jan. 1, 1970.

30:11-25. Questions to applicants; declarations; effect of fraud and misrepresentation

Applicants shall answer such questions as may be asked concerning their character, residence, citizenship and ability to operate a nursing home or convalescent home and make such declarations as shall be required. All applicants may be duly sworn and all statements and applications shall be deemed material. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license shall be grounds for denial, suspension or revocation of the license.

L.1968, c. 356, s. 15, eff. Jan. 1, 1970.

30:11-26. Violation; penalty

Any person, firm, partnership, corporation or association who shall operate or conduct a convalescent home or private nursing home without first obtaining an administrator licensed pursuant to the provisions of this act, or who shall operate such convalescent home or private nursing home after denial, revocation or suspension of its administrator's license shall be liable to a penalty of \$50.00 for each day of operation in violation hereof for the first offense, and for any subsequent offense shall be liable to a penalty of \$100.00 for each day in violation hereof. Any such penalty shall be sued for and collected in a summary proceeding instituted by the Attorney General, at the request and in the name of the State Board of Control, pursuant to the Penalty Enforcement law (N.J.S. 2A:58-1, et seq.). The State Board of Control, with the approval of the Attorney General, is hereby authorized and empowered to compromise and settle claims for money penalties in appropriate circumstances where it appears to the satisfaction of the board that payment of the full penalty will work severe hardship on any individual not having sufficient financial ability to pay the full penalty, but in no case shall the penalty be compromised for a sum less than \$200.00 for the first offense and \$500.00 for the second and each subsequent offense; provided, however, that any penalty of less than \$200.00 or \$500.00 as the case may be, may be compromised for a lesser sum. Money penalties when required shall be payable to the General State Fund. No money penalties provided for herein shall be required to be paid until the appellate procedures provided for in the courts shall have been exhausted and then only if on appeal, it is determined that the licensee was in violation of the provisions hereof or the rules and regulations of the State Board of Control establishing minimum standards for license. Money penalties assessed prior to the filing of an appeal to the appellate court or courts shall be recoverable only to the extent that the appellate court or courts affirms the decision of the department in the first instance.

L.1968, c. 356, s. 16, eff. Jan. 1, 1970.

30:11-27. Injunctions

The department may, in the manner provided by law maintain an action in the name of the State of New Jersey for injunction against any person, firm, partnership, association or corporation, continuing to conduct, manage or operate a convalescent home or private nursing home under the supervision of an administrator who is without a license, or after the suspension or revocation of such license.

L.1968, c. 356, s. 17, eff. Jan. 1, 1970.

30:11-28. Services of state employees to carry out duties

The Nursing Home Administrator's Licensing Board is hereby empowered within the limits of appropriations made available to it and on a cost reimbursable basis, to obtain the services of any State department and State employee necessary to carry out its duties.

L.1968, c. 356, s. 18, eff. Jan. 1, 1970.

**NJ Department Of Health And Senior Services
Division Of Long Term Care Systems
P.O. Box 367
Trenton, NJ 08625-0367**

**Chapter N.J.A.C. 8:34
Rules for Licensure of Nursing Home Administrators
And
Rules Regulating the Nursing Home Administrators Licensing Board**

Authority

Authority: N.J.S.A. 26:2H-1 et seq., particularly 26:2H-5,
and 30:11- 11 et seq., particularly 30:11-13 and 21.

Source and Effective Date

January 3, 2005, Amendments.

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SUBCHAPTER 1. GENERAL PROVISIONS

- 1.1 Source of authority

These rules shall be known as the "Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Licensing Board" adopted by the New Jersey State Department of Health and Senior Services and promulgated pursuant to the authority of N.J.S.A. 26:2H-27 and 26:2H-28 and N.J.S.A. 30:11-1 et seq.

- 8:34-1.2 Scope of rules

- (a) This chapter contains rules for licensing nursing home administrators in New Jersey and rules regulating the operation of the Nursing Home Administrators Licensing Board.
- (b) This chapter shall apply to all individuals who seek to secure a New Jersey license as a nursing home administrator; all individuals who currently are licensed; and all individuals who are in inactive status.
- (c) The rules of the Department shall be supplemental to the laws providing for the licensing of nursing home administrators and shall have the force and effect of law.
- (d) The rules of the Board are intended to be consistent with applicable Federal and State law and shall be construed whenever necessary, to achieve such consistency.

- 8:34-1.3 Scope of individual practice

- (a) The scope of practice for a licensed nursing home administrator is defined as overseeing the provision of physical and emotional health services for persons who require various therapeutic and protective measures in a supervised environment.

(b) The licensed nursing home administrator performs functions including, but not limited to, ensuring quality resident care management, personnel management, financial management, environmental management, regulatory management, organizational management, marketing, and community and public relations.

8:34-1.4 Scope of administrator responsibility

(a) The licensed administrator shall be responsible for the administrative functions at the nursing home to assure that the nursing home is operated at all times in compliance with N.J.A.C. 8:39, Licensing Standards for Long Term Care Facilities, and all other applicable State and Federal rules, regulations and laws.

(b) In a nursing home where a licensed administrator has both administrative and other functions, the nursing home shall maintain time schedules, which delineate clearly the specific hours spent by the administrator in each function.

8:34-1.5 Purpose

The purpose of this chapter is to implement the provisions of P.L. 1968, c.356 and to set forth education, experience, and continuing education requirements as well as disciplinary processes applicable to individuals acting as administrators of nursing homes, in order to assure safe and adequate treatment of all individuals in nursing homes.

8:34-1.6 General definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless expressly otherwise stated, or unless the context or subject matter clearly indicates otherwise:

"Address of record" means the home and work address designated by a licensee, in writing.

"Administrator" means an individual licensed as a nursing home administrator whether or not they are an administrator of record.

"Administrator-in-training" ("AIT") means an individual who is participating in a Board approved training program to become a licensed nursing home administrator.

"Administrator of record" means the licensed administrator responsible for all aspects of the operation of a nursing home or a health care facility with beds licensed pursuant to N.J.A.C. 8:39.

"Assistant administrator" means an individual employed in a licensed nursing home who assists the licensed administrator of record in performing the designated functions of that position, and has direct line responsibility to the administrator of record.

"Board" or "NHALB" means the Nursing Home Administrators Licensing Board, created pursuant to N.J.S.A. 30:11-11 et seq., and its designated staff, of the New Jersey State Department of Health and Senior Services.

"Commissioner" means the Commissioner of the New Jersey State Department of Health and Senior Services.

"Department" means the New Jersey State Department of Health and Senior Services.

"Designee" means an individual selected by the Commissioner, Board Chairperson, or Board Executive Director for a specifically delegated purpose or assignment.

"Expungement" means the removal of information from the file of a licensed administrator or an applicant for licensure, maintained by the Board.

"Full-time" means at least 35 hours of work per week.

"Institution of higher learning" means an institution accredited by the New Jersey Commission on Higher Education or its out-of-State equivalent.

"License" means a credential issued by the Department upon recommendation from the Nursing Home Administrators Licensing Board which indicates that the bearer has been licensed by the Board as meeting the provisions set forth in this chapter.

"Licensed Nursing Home Administrator (LNHA)" means an individual who holds a valid New Jersey nursing home administrator license, regardless of whether such individual has an ownership interest in such home or whether such functions and duties are shared with one or more other individuals.

"NAB" means the National Association of Boards of Examiners of Long Term Care Administrators, 1441 I Street, NW, Suite 700, Washington, DC 20005.

"Nursing home" means a health care facility, or complement of beds in a health care facility, licensed pursuant to the Health Care Facilities Planning Act, P.L. 1971, c.136 and 138, N.J.S.A. 26:2H-1 et seq., amendments thereto, and N.J.A.C. 8:39, or an out-of-State nursing facility licensed pursuant to similar state and Federal licensure regulations.

"Preceptor" means an individual who holds a valid nursing home administrator license and who has been approved by the Board in accordance with N.J.A.C. 8:34-4.3 to be responsible for the training of an AIT.

"Revocation" means to rescind the authorization to practice as a nursing home administrator.

"Summary suspension" means to withdraw the authorization to practice as a nursing home administrator prior to a hearing before the Board or a final determination by the Commissioner.

"Suspension" means the temporary withdrawal of the authorization to practice as a nursing home administrator.

8:34-1.7 Severability

In the event that any provision of these rules is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of these rules shall not be affected thereby.

8:34-1.8 Waiver

- (a) After due consideration, the Department, upon recommendation from the Board, may waive any provisions of this chapter for good cause, if such a waiver would not endanger the health, safety, or welfare of residents in a nursing home.
- (b) An individual seeking a waiver of the provisions in this chapter shall apply in writing to the Executive Director of the Board.
- (c) A written application for waiver shall include the following:
 - 1. The nature of the waiver requested;
 - 2. The specific provision for which a waiver is requested;
 - 3. Reasons for requesting a waiver;
 - 4. An alternative proposal which would ensure the health and safety of the residents; and
 - 5. Documentation to support the waiver application.

SUBCHAPTER 2. NURSING HOME ADMINISTRATORS LICENSING BOARD

8:34-2.1 General powers

- (a) A majority of the currently serving membership of the Board shall constitute a quorum for the transaction of business at any meeting.
- (b) The Board shall be responsible for determining the minimum eligibility requirements to take the nursing home administrator licensing examination.
- (c) The Board may recommend to the Commissioner the assessment of a civil penalty, in accordance with N.J.S.A. 30:11-4(a), N.J.S.A. 30:11-26, and N.J.A.C. 8:34-8.2(b) and (c) against a nursing home administrator for

violation of, or failure to comply with, any order or rule issued or adopted by the Board, or any provision of this chapter.

- (d) The Board shall maintain a registry of all licensed nursing home administrators and a file of applicants for licensure.
- (e) The Board shall elect annually from among its members a chair and a vice-chair. If the chair is not available to conduct the Board meeting, the vice-chair shall conduct the meeting.
- (f) If the chair is not a licensed nursing home administrator, the vice-chair shall be a licensed nursing home administrator.

8:34-2.2 Confidentiality

- (a) Any complaints, statements, information, or documents obtained or prepared by the Board shall be deemed confidential and not subject to public disclosure during the course of an investigation to determine whether a violation of this chapter or other state or Federal law or regulation has occurred, except as necessary for the Board to conduct the investigation.
- (b) The Board's discussion regarding an investigation shall be held in executive session and shall not be subject to public disclosure.
- (c) The identity of a complainant shall be kept confidential.
- (d) Upon the issuance of a determination by the Board, and the receipt of same by the licensee, or 30 days after mailing of same, whichever is sooner, any documents contained in the licensee's file related to the disciplinary action shall be subject to the requirements of the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq., and any other applicable laws and regulations.

SUBCHAPTER 3. LICENSE REQUIREMENTS

8:34-3.1 Requirements for license by examination

- (a) An applicant for a license as a nursing home administrator shall:
 - 1. Be at least 18 years of age;
 - 2. Be a citizen of the United States or have declared the intent to become same;
 - 3. Have, at a minimum, a baccalaureate degree from an institution of higher learning;
 - 4. Have served as an assistant administrator or AIT in a nursing home with no fewer than 60 beds for at least 1,750 hours at a rate of no more than 50 hours per week. This requirement may be completed on a part time basis. In no instance shall said administrative experience have been more than two years prior to the submission of the application for examination (see also N.J.A.C. 8:34-4.4);
 - 5. Have successfully completed 100 seminar or course hours in areas relevant to long term care administration as determined by the Board;
 - 6. Be of good moral character as required in N.J.S.A. 30:11-13; and
 - 7. Have passed an examination approved by the Board for the licensing of nursing home administrators.
- (b) A baccalaureate degree shall not be required for an individual to serve as an AIT or assistant administrator.
- (c) An applicant for licensure shall undergo a criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended, and bear all costs of administering and processing the background check.

(d) Pursuant to N.J.S.A. 30:11-1.1, no license shall be issued to any person who has ever been convicted of a crime involving moral turpitude or to any person who has been found guilty of violating the provisions of this chapter by a court of competent jurisdiction.

8:34-3.2 Application procedure

(a) An applicant for a license as a nursing home administrator shall submit the following to the Board:

1. A completed application form;
2. Declaration of intent to become a citizen, if applicable;
3. A non-refundable licensure application fee as set forth in N.J.A.C. 8:34-9.1(a)1;
4. An official transcript from an accredited college or university;
5. Three references attesting to the applicant's administrative ability and character from professionals who are not related to the applicant, nor who have been, or currently are, a client in a business relationship with the applicant. The current preceptor of the applicant may submit a reference on behalf of the applicant, but that reference shall be in addition to the required three references;
6. Documentation of administrative experience identified at N.J.A.C. 8:34-4.1 (a);
7. Documentation of successful completion of 100 course hours identified at N.J.A.C. 8:34-3.1 (a)5;
8. Documentation of involvement on the part of the applicant in disciplinary proceedings with a licensure board or governmental agency in any jurisdiction the applicant is, or has been, licensed as an administrator, and where, as a result of that proceeding, a sanction of at least the level of a written warning was imposed on the administrator, if applicable;
9. Documentation of any offense in violation of State or Federal law; and
10. A notarized statement on the application by the applicant indicating that the statements and documents are true and correct.

(b) An application submitted to the Board shall remain active for a period of two years, by the end of which applicant shall meet all requirements to be deemed eligible to take the licensing examination.

1. At the expiration of the two year period, an application for licensure shall be deemed inactive and an applicant may, at the discretion of the Board, be required to resubmit an application.
2. An applicant may request an extension of the two-year period. Documentation of progress towards meeting the license requirements shall be submitted by the applicant prior to the expiration of the initial two-year period. An extension may be granted by the Board or its designee under conditions to be determined by the Board.

SUBCHAPTER 4. ADMINISTRATIVE EXPERIENCE REQUIREMENT

8:34-4.1 Administrative experience requirement

(a) An applicant for licensure shall comply with the requirement of N.J.A.C. 8:34-3.1(a)4 through participation or employment in one of the following:

1. An administrator-in-training program that meets the requirements identified at N. J.A.C. 8:34-4.2(a) and is approved by the Board; or
2. An assistant administrator position, with the following conditions:
 - i. The applicant shall have the equivalent of one year full-time or two years part-time administrative experience as an assistant administrator, totaling 1,750 hours in a nursing home with no fewer than 60 beds, within the two-year period immediately prior to submission of an application; and

ii. The Board approves the job description for the specific position; in accordance with the requirements of this chapter; and

iii. The administrator submits documentation to the Board verifying the performance record of the assistant administrator until 1,750 hours of experience is completed.

8:34-4.2 Administrator-in-training (AIT) program

(a) An AIT program shall be approved by the Board prior to the individual beginning. The program shall be:

1. Conducted in a nursing home with no fewer than 60 beds; and
2. Under the preceptorship of a nursing home administrator who has been approved by the Board in accordance with N.J.A.C. 8:34-4.3; and
3. For a period of 1,750 hours, or as required by the Board after evaluation of the applicant's education and experience based upon the requirements contained in this chapter; and
4. With a minimum of 875 hours, or half of the hours required by the Board, served while a licensed administrator is on the premises of the nursing home.

(b) An AIT program approved by the Board shall provide at least 70 hours of administrative experience in each of the following service areas:

1. Administration,
2. Business office,
3. Nursing,
4. Resident activities,
5. Social service,
6. Medical records,
7. Dietary,
8. Maintenance, and
9. Environmental, including housekeeping/laundry.

(c) The hours of administrative experience to be provided in addition to (b) above shall be submitted to the Board for approval in the form of a program plan and shall be completed in areas of the AIT'S need, after consideration by the Board of the AIT's previous work experience, training and education.

(d) The Board may waive, in accordance with N.J.A.C. 8:34-1.8, and after review of an individual's application, some or all of the hours required to meet the administrative experience requirement set forth at N.J.A.C. 8:34-4.2(a). This may include a waiver of any of the hours set forth at N.J.A.C. 8:34-4.2(b)1-9.

(e) If the AIT is working in a nursing home in another capacity, the preceptor shall conspicuously post the schedule stating when the AIT is performing as an AIT and when the AIT is working in another capacity.

(f) If the AIT is a department head, a notice shall be conspicuously posted in the nursing home stating who the acting department head will be while the AIT is performing administrative duties.

(g) An AIT program of 1,750 hours shall be completed within two years, or if 875 hours or less is required by the Board, within one year.

8:34-4.3 Preceptor for administrator-in-training

(a) A preceptor shall be responsible for supervising an AIT and for scheduling hours and activities for an AIT.

- (b) A preceptor shall hold a current New Jersey nursing home administrator license and shall have held such license as a New Jersey nursing home administrator for at least five years and shall have practiced as a licensed nursing home administrator in a nursing home for at least three years immediately preceding serving as a preceptor.
- (c) A preceptor shall be employed full time in the nursing home where the training program occurs.
- (d) The preceptor shall notify the Board, in writing, if an AIT leaves the program, there is a change of preceptor, or there is a change in an approved training plan.
- (e) Any change in an approved training plan shall be submitted to the Board in writing for reapproval.
- (f) The Board may refuse to approve a preceptor for training AITs if:
 - 1. There is good cause to believe that the preceptor has failed to provide proper training and supervision for AITs previously under preceptor's responsibility in an AIT program; or
 - 2. The preceptor has been subject to a disciplinary action by the Board within 12 months immediately preceding the start of the AIT program.
- (g) A licensed nursing home administrator shall not function as a preceptor for more than two AITs at any one time.

8:34-4.4 Equivalency of internship requirement

- (a) The service requirement identified at N.J.A.C. 8:34-3.1(a)4 shall be deemed to have been met if the applicant meets the requirements of both (a)1 and 2 below, or (a) 3 and 4 below:
 - 1. Has been awarded a Master's degree in Health Care Administration or Public Health Administration, or their equivalent, by an accredited institution of higher learning; and
 - 2. Has completed an internship program approved by the institution awarding the Master's degree, of not less than 450 hours, or as determined by the Board to be substantially equivalent, in a nursing home with no fewer than 60 beds and has completed said internship within two years immediately preceding application to the Board for licensure; or
 - 3. Has been awarded a Bachelor's degree in Health Care Administration, Public Health Administration, or Long Term Care Administration, or their equivalent, by an accredited institution of higher learning; and
 - 4. Has completed an internship program approved by the institution awarding the Bachelor's degree, of not less than 900 hours, or as determined by the Board to be substantially equivalent, in a nursing home with no fewer than 60 beds and has completed said internship within two years immediately preceding application to the Board for licensure.
- (b) An applicant who possesses a Master's degree, as identified in (a)1 above, and who has not completed an approved internship through the Master's program, shall be required to complete not less than 875 hours, or six months full-time experience, as an AIT or assistant administrator, in a nursing home with no fewer than 60 beds.
- (c) An applicant who possesses a Bachelor's degree, as identified in (a)3 above, and who has not completed an approved internship through the Bachelor's program, shall be required to complete not less than 1250 hours, as an AIT or assistant administrator, in a nursing home with no fewer than 60 beds.

8:34-4.5 Written plan and reports

- (a) An AIT program approval form shall be completed and submitted to the Board for approval prior to an individual beginning the program.
- (b) The preceptor shall maintain progress reports for an AIT on forms prescribed by the Board for each quarter of the required hours of the training program.
- (c) The quarterly report shall be submitted to the Executive Director of the Board and shall include the following:

1. Subjects covered and hours spent in each department;
2. Comments on the monthly internship logs as to accuracy and completeness;
3. Progress of the AIT; and
4. Identification of problems, if any.

(d) The AIT shall maintain monthly logs of work activities, which shall be submitted quarterly to the Executive Director of the Board.

(e) The AIT shall co-sign and submit the quarterly progress reports to the Executive Director of the Board.

(f) Each quarterly report shall be submitted to the Board within 15 working days of the end of the quarter evaluated.

(g) The certification of program completion form shall be completed, signed by the preceptor for the AIT or assistant administrator, and submitted to the Board within 15 working days of the completion of the program.

(h) If a preceptor fails to submit the report(s) required in a timely manner as indicated in N.J.A.C. 8:34-4.5(f) and 8:34-4.5(g) above, the AIT may be required to forfeit all credit for the training accumulated on the report(s) for that period.

SUBCHAPTER 5. EXAMINATION

8:34-5.1 Examination requirements

(a) The examination shall be the licensing examination approved by the Board.

(b) An applicant for licensure as a nursing home administrator shall complete all the applicable requirements identified at N.J.A.C. 8:34-3.1 (a) before being permitted to take the written examination.

8:34-5.2 Scheduling of examinations

Examinations shall be held at the discretion of the Board in accordance with the prevailing practice of the National Association of Boards of Examiners of Long Term Care Administrators.

8:34-5.3 Examination fee

An applicant shall be required to submit an examination fee prior to taking the examination as set forth in N.J.A.C. 8:34-9.1 (b).

8:34-5.4 Subjects for examination

The subject matter for examination shall be determined by the NAB or the equivalent and may include at any given time, but not be limited to, the areas of: Resident Care Management; Personnel Management; Financial Management; Environmental Management; Regulatory Management; and Governance and Management.

8:34-5.5 Grading of examinations

The Board shall establish the passing grade for each license examination administration. Each candidate for a nursing home administrator license shall be required to pass the examination, by meeting or exceeding the grade established by the Board for that particular examination.

8:34-5.6 Records of examination

Following the close of every examination, the Department shall maintain a record stating in detail the result of the examination for each candidate.

8:34-5.7 Re-examination

- (a) An applicant who fails the licensing examination will be permitted to take a re-examination, in accordance with (b) through (g), below.
- (b) Following a first examination failure, an applicant shall be permitted to sit for re-examination, upon approval by the Board, based upon the application requirements contained in this chapter.
- (c) Following a second examination failure, or any subsequent examination failures, an applicant shall take 50 hours of remediation approved by the Board before the applicant is permitted to take a re-examination.
- (d) If an applicant fails to pass the second licensing examination, or any subsequent licensing examination, the applicant shall be required to wait 60 days from the date of the previous examination, and submit to the Board, documentation of having completed 50 hours of remediation in the areas specific to the individual's deficits, or as approved by the Board before the applicant is permitted to take a re-examination.
- (e) Written documentation of successful completion of the remediation provided for at (c) above shall be submitted to the Executive Director of the Nursing Home Administrators Licensing Board, New Jersey State Department of Health and Senior Services, PO Box 367, Trenton, New Jersey 08625-0367.
- (f) If an applicant fails to pass the third licensing examination, or any subsequent licensing examination, in addition to completing 50 hours of remediation as set forth at N.J.A.C. 8:34-5.7(c), the candidate shall be required to complete 450 hours of administrative experience as an AIT or assistant administrator in a nursing home with no fewer than 60 beds, and wait 120 days from the date of the previous examination before the applicant is permitted to take a re-examination.
- (g) An applicant, prior to being allowed to sit for re-examination, in accordance with (a) above shall submit written evidence of completion of the qualification requirements to the Board. The applicant shall not be permitted to take the examination if he or she has not submitted evidence of completion of requirements.

8:34-5.8 Ineligibility

- (a) An applicant who has been disqualified from admission to an examination shall be given written notification by the Board of his or her disqualification and the reasons therefore. Reasons for disqualification for admission to examination include failing to pass the licensing examination after four attempts in one calendar year or any other requirement of this subchapter.
- (b) An applicant who has been disqualified may petition the Board in writing, within 30 days of notification of disqualification, for a hearing and a review of the application as set forth in N.J.A.C. 8:34-8.3.
- (c) When an applicant for examination has been disqualified, the applicant shall submit a new application to qualify for examination. The applicant shall meet the requirements for examination and licensing in force at the time of such reapplication.

SUBCHAPTER 6. LICENSURE

8:34-6.1 Granting of license

- (a) The Board shall authorize the issuance of a nursing home administrator license to an individual who has complied with the provisions of this chapter.
- (b) An individual who fails to comply with the provisions of this chapter shall not be issued a license.
- (c) A license shall be issued for a period of no more than three years, effective July 1, 2005.
- (d) A license shall not be transferable or assignable.

8:34-6.2 Renewal of license

- (a) All licenses issued under this chapter shall expire on the date established by the Board and shall become invalid if not renewed.
- (b) The Board shall issue a renewed license to a licensed administrator every three years upon review and determination by the Board of compliance with the following requirements:
 - 1. A completed license renewal application;
 - 2. A criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended, bearing all costs of administering and processing the background check;
 - 3. Payment of the required license renewal fee as determined by the Board in accordance with N.J.A.C. 8:34-9.1 (a); and
 - 4. Submission of written documentation of 40 hours of continuing education approved by the Board in accordance with N.J.A.C. 8:34-7.2(a).
- (c) At the discretion of the Board, a license may be renewed up to 60 days after the date of its expiration upon payment of a late fee, as set forth at N.J.A.C. 8:34-9.1(a)4, in addition to the renewal fee.
- (d) An applicant for licensure renewal, who had a license issued by the Board for less than three years, shall be required to complete at least the prorated following number of continuing education hours:
 - 1. Sixty hours if licensed for 28 to 36 months;
 - 2. Forty hours if licensed for 18 to 27 months;
 - 3. Twenty hours if licensed for 7 to 17 months; or
 - 4. Zero hours if licensed for less than 6 months.

8:34-6.3 Use of the title, "Licensed Nursing Home Administrator"

- (a) An individual who holds a valid license pursuant to the provisions of these rules shall have the right and privilege of using the title "Licensed Nursing Home Administrator" and have the right and privilege of using the abbreviation "L.N.H.A." after his or her name.
- (b) Use or designation by title or abbreviation, or any other words, letters, sign, card or device intending to indicate that a person is a licensed nursing home administrator, by any person not so licensed, shall be prohibited.

8:34-6.4 Display of license

An individual licensed as a nursing home administrator shall display such license in a conspicuous place in the nursing home where the individual is employed.

8:34-6.5 Duplicate license

Upon receipt by the Board of a notarized statement from the licensed nursing home administrator that a license has been lost, mutilated, stolen, or destroyed, the Board may issue a replacement license upon payment of the appropriate fee as required at N.J.A.C. 8:34-9.1 (a) and under such conditions as the Board may prescribe.

8:34-6.6 Change of name

If a licensed nursing home administrator changes his or her name, the name change shall be recorded in the registry for licensed administrators. The licensed administrator shall submit written and signed documentation directly to the Board of the change of name and a certified copy of the court order or marriage certificate where applicable. When a duplicate license is issued, the original license shall be returned to the Board.

8:34-6.7 Change of address and employment and notification requirements

- (a) A licensed administrator shall notify the Board directly in writing within 15 calendar days of any change in his or her home address.
- (b) A licensed administrator shall notify the Board directly in writing within 15 calendar days of any change in his or her place of employment.
- (c) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Department of Health and Senior Services at the address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- (d) A licensee shall notify the Board in writing within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction.

8:34-6.8 License by equivalency

- (a) An individual licensed in good standing as a nursing home administrator in another jurisdiction may request approval of the Board for issuance of a New Jersey license by equivalency. The Board may approve the application only where it finds that the educational, training, and administrative experience requirement, and passing scores in the licensing examination, are equal to those required in the State of New Jersey at the time the applicant received their initial license in the other jurisdiction.
- (b) An individual applying for a license by equivalency shall submit to the Board:
 - 1. A completed and notarized application form, including name, address, social security number, professional experience, education, and professional certificates or licenses held;
 - 2. Declaration of intent to become a citizen, if applicable;
 - 3. A nonrefundable license application fee as set forth in N.J.A.C. 8:34-9.1 (a);
 - 4. An official transcript from an accredited college or university as defined at N.J.S.A. 18A:3-15.3;
 - 5. Three written references attesting to the applicant's administrative ability and character from professionals who are not related to the applicant, nor who have been, or currently are, a client in a business relationship with the applicant or the preceptor for the applicant's internship;

6. Verification of out-of-State licensure form(s) completed by the state board in each state in which the individual may have at any time held a license to practice as a nursing home administrator, providing evidence satisfactory to the Board of the individual's good standing, with a currently active license as a nursing home administrator, in the jurisdiction which issued the license;
7. A criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended and bear all costs of administering and processing the check;
8. Documentation of any offense in violation of State or Federal law;
9. A notarized statement on the application by the applicant indicating that the statements and documents are true and correct; and
10. National examination scores from previous licensing examinations for administrators as approved by the Board.

(c) The Board shall accept as being equivalent to achieving a passing test score on the NAB/PES licensing examination documentation of certification current at the time of application by the American College of Health Care Administrators for an individual who holds a Nursing Home Administrator License in good standing from another state.

(d) An individual who fails to comply with the requirements for licensure of this subchapter may be issued a license if the individual has been practicing as a nursing home administrator in an out-of-State licensed nursing home for at least one year, full time, within no more than the two years prior to submission of an application for license by equivalency.

(e) Pursuant to N.J.S.A. 30:11-1.1, no license shall be issued to any person who has ever been convicted of a crime involving moral turpitude or to any person who has been found guilty of violating the provisions of this chapter by a court of competent jurisdiction.

8:34-6.9 Inactive status

(a) If a licensed administrator fails to fulfill the license renewal requirements at the prescribed time, in accordance with N.J.A.C. 8:34-6.2, the license shall be considered inactive and, therefore, the individual shall not engage in the practice of nursing home administration.

(b) An individual may apply for a license without examination within the three year period of inactive status referenced in (a) above and upon submitting a written request for restoration of said license to the Board.

(c) An individual requesting restoration of his or her license from inactive status within three years of inactivity, shall be required to pay the current license renewal fee in accordance with N.J.A.C. 8:34-9.1 (a)3, plus the restoration fee in accordance with N.J.A.C. 8:34-9.1 (a)7, and comply with the education requirements identified at (d) below.

(d) The applicant shall be required to complete 40 hours of continuing education credit for each year in which the license was inactive in addition to the required 60 hours of continuing education for the triennial licensing period.

(e) The additional 40 hours of continuing education for each the license was inactive is not required if:

1. An active license as a nursing home administrator was continuously maintained in another jurisdiction since their New Jersey nursing home administrators license became inactive; and
2. The individual was continuously an administrator of record in a licensed nursing home since their New Jersey nursing home administrators license became inactive.

- (f) An administrator whose license is in an inactive status, who has not maintained an active license as a nursing home administrator in another jurisdiction, and who subsequently fails to meet the requirements identified at (b), (c), and (d) above, shall be required to apply in writing for restoration of licensure under the requirements as determined by the Board on an individual basis and as provided for in these rules.

SUBCHAPTER 7. CONTINUING EDUCATION

8:34-7.1 Purpose and scope

The requirements set forth under this subchapter shall apply to all nursing home administrators licensed to practice nursing home administration in accordance with applicable State and Federal rules and regulations within the State of New Jersey except where the rules provide for exemption or waiver.

8:34-7.2 Licensure renewal continuing education credit requirement

- (a) By the completion of each triennial licensing period, each administrator shall, as a condition of license renewal identified at N.J.A.C. 8:34-6.2 successfully complete 60 hours of approved continuing education in health or health-related courses, seminars, or programs relevant to long term care administration as determined by the Board.
- (b) The continuing education period shall commence on May 1 and end on April 30.
- (c) Attendance at meetings of, and/or service for, professional trade associations and associations of licensed administrators approved by the Board, may yield up to ten hours of continuing education credits every three years.
- (d) Each licensee shall be permitted to carry over up to ten excess credit hours from one licensing period to the next.

8:34-7.3 Continuing education; scope

- (a) The Board shall develop and promulgate, in accordance with N.J.S.A. 52:148-1 et seq. and N.J.A.C. 1:30, standards for determining which, if any, courses, seminars, or programs qualify for the credit hour requirement for licensure identified at N.J.A.C. 8:34-7.2(a).
- (b) Criteria for continuing education courses shall include:
 - 1. Material designed to acquaint administrators with the utilization and application of new techniques, methods, procedures and information relating to nursing home administration; and
 - 2. Professional competency and ethics, as well as legal aspects relating to the practice of nursing home administration.
- (c) Continuing education includes workshops and seminars attended in person or through electronic media such as audio and video tape or computer, self-study programs, college courses for credit taken in person or through distance learning, reading articles, and contributing to the profession through research and publications. Other written requests for continuing education credit will be considered on an individual basis.
- (d) Continuing education credit may be recognized by the Board, for continuing education programs approved by the NAB or its member states, as long as the content of the program shall not apply specifically to another state.
- (e) Continuing education credit may be awarded by the Board, up to an amount to be determined by the Board based on course content, for successful completion of the following activities:

1. Teaching, for the first time, a course, seminar, workshop or program relevant to the practice of nursing home administration as determined by the Board;
2. Teaching subsequent times, the same course, seminar, workshop or program relevant to the practice of nursing home administration, as determined by the Board;
3. Serving as the preceptor to an individual applying for an initial license as a nursing home administrator;
4. Serving as the preceptor to an individual who is engaged in a remedial internship at the Board's direction;
5. Teaching, for the first time, a semester course in an accredited institution of higher education relevant to the practice of nursing home administration as determined by the Board;
6. Teaching subsequent times, the same semester course in an institution of higher education relevant to the practice of nursing home administration as determined by the Board;
7. Completing a semester course (48 class hours) from an accredited institution of higher education (taken in person, through home study, or through electronic medium) relevant to the practice of nursing home administration as determined by the Board;
8. Completing an approved assisted living certification course;
9. Completing an approved education program for Certified Assisted Living Administrators;
10. Completing a master's thesis in an area relevant to the practice of nursing home administration as determined by the Board;
11. Completing a doctoral dissertation in an area relevant to the practice of nursing home administration as determined by the Board;
12. Publishing a book in an area relevant to the practice of nursing home administration as determined by the Board;
13. Publishing an article or manuscript for a professional trade publication or journal in an area relevant to the practice of nursing home administration as determined by the Board;
14. Writing a chapter in a published book in an area relevant to the practice of nursing home administration as determined by the Board; or
15. Writing a published article for a magazine in an area relevant to the practice of nursing home administration as determined by the Board.

8:34-7.4 Program approval

- (a) Any course of study offered by an educational institution, association, professional society, person or organization for the purpose of qualifying applicants for licensing in this State as nursing home administrators and/or for license renewal shall require the approval of the Board.
- (b) Any person or organization desiring approval as a sponsor of a health or health-related course, seminar, or program shall apply to the Board through written application. The Board shall receive such written application at least 15 business days prior to the date of the Board meeting at which approval is requested and shall include:
 1. The dates that the course, seminar or program is to be offered;
 2. The objectives and content of the course, seminar, or program;

3. The total hours of instruction and credit;
4. The names and resumes of instructors; and
5. Any additional information regarding (b)1 through 4 above which the Board may require of a specific applicant.

(c) All sponsors shall secure Board approval prior to representing that the course, seminar or program fulfills the requirements of this subchapter.

(d) Board approval of a course, seminar or program shall be considered valid for one year from date of approval, provided that the items identified at N.J.A.C. 8:34-7.6(b)2 through 4 remain unchanged during the one-year time period.

(e) Notice of the date, time and place the course is to be offered shall be provided to the Board if the course is offered additional times during the one year approval period.

(f) Sponsors of continuing education shall maintain and submit to the Board upon request an original copy of any advertisement or announcement of the program, the original attendance sheets or other records which verify attendance or completion by individuals at a Board approved continuing education program for one year following the licensure period for which the Board has granted continuing education credit.

(g) The Board shall review and monitor all approved courses, seminars or programs. Upon evidence that the courses, seminars or programs fail to meet the criteria in this subchapter, or the sponsoring entity has failed to maintain adequate records of attendance and/or other documentation verifying completion, the Board may withhold future approval for a temporary or permanent period of time.

8:34-7.5 Record of continuing education credits

(a) An applicant for licensure or licensure renewal shall be required to maintain the original verifying documentation for one year following the licensure period for which the Board has granted the licensee continuing education credit.

(b) An applicant for license renewal shall submit to the Board upon its request, original documentation verifying continuing education hours accumulated by the licensee. Verification material shall be evidence of the successful completion of an approved course, seminar or program, and include the following:

1. A certificate or similar official record of attendance signed by the approved sponsor;
2. A copy of the published material;
3. A copy of the program, syllabus, outline and bibliography for presentations;
4. A copy of the syllabus, bibliography, course outline and verification from the academic institution that the course was or was not previously taught by the licensee, for teaching appointments; or
5. An official transcript, official grade report, or a letter written on the institution's stationery from a duly authorized individual from the academic institution verifying completion of academic coursework.

8:34-7.6 Extension of time

(a) The Board may, for good cause to be determined by the Board in accordance with N.J.A.C. 8:34-1.8, grant an extension of time the licensee shall have to complete the continuing education requirement for the two year licensure period. All such requests to the Board by the licensee shall be in writing and accompanied by written documentation supporting the reasons for the request.

(b) Extension letters with a date of expiration shall be issued by the Board and shall serve as verification that the individual remains licensed during this period of time. Upon completion of the required continuing education hours within the prescribed period of time, a license shall be issued.

8:34-7.7 Waiver of continuing education credits

(a) The Board or its designee may, in accordance with N.J.A.C. 8:34-1.8, waive all or part of the continuing education requirement for the licensing period. All such requests to the Board by the licensee shall be in writing and accompanied by written documentation supporting the reasons for the request.

(b) Waivers shall be granted for one licensure period at a time. If the situation for which the waiver was granted continues, the licensee shall reapply in writing to the Board for a renewal of the waiver.

SUBCHAPTER 8. SUSPENSION, REVOCATION, SANCTIONS AND HEARINGS

8:34-8.1 Suspension, summary suspension, and revocation

A nursing home administrator whose license is either suspended or revoked, pursuant to N.J.S.A. 25:2H-27 and 26:2H-28 (Chapter 356, P.L. 1968), shall not be appointed or retained in the nursing home in any administrative, managerial, supervisory, or similar position.

8:34-8.2 Denial, suspension, summary suspension, revocation, or license sanctions

(a) The Board may refuse to issue a license, recommend to the Commissioner the denial, suspension, summary suspension, or revocation of a license, or may reprimand or otherwise discipline an individual, in accordance with (d) below, upon receiving substantial evidence that said individual for license, or such nursing home administrator:

1. Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules of the Department pertaining thereto;
2. Has willfully or repeatedly violated any of the provisions of N.J.S.A. 26:2H-1 et seq., or the rules of any licensing or supervising authority or agency of the State or any political subdivision thereof having jurisdiction over the operation and licensing of nursing homes or has committed a similar violation in any other jurisdiction;
3. Has been convicted of a crime involving moral turpitude, or any crime relating adversely to the practice of nursing home administration, or of violating the provisions of N.J.S.A. 30:11-1.1 et seq., or these rules by a court of competent jurisdiction. For the purpose of this paragraph a plea of guilty, non vult, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a conviction;
4. Has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;
5. Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;
6. Has practiced fraud, deceit, or misrepresentation in his/her capacity as a nursing home administrator;
7. Has committed acts of misconduct in the operation of a nursing home under his/her jurisdiction;
8. Is addicted to, or dependent upon, the use of alcohol, any drug, or any other substance that may result in abnormal behavior;
9. Has practiced without a nursing home administrator license;

10. Has wrongfully transferred or surrendered possession either temporarily or permanently of his/her license to any person;

11. Has paid, given, caused to be paid, given or offered to pay or give to any person a commission or other valuable consideration for the solicitation or procurement either directly or indirectly of nursing home patronage;

12. Has been guilty of fraudulent, misleading, or deceptive advertising;

13. Has impersonated another licensee of a like or different name or has solicited or attempted to solicit an individual to impersonate him or herself;

14. Has failed to act to promote the safety, health, and life of a resident;

15. Has willfully permitted unauthorized disclosure of information relating to a resident or his or her records;

16. Has discriminated in respect to residents, employees, or staff on account of race, religion, color, sex, or national origin, or other protected status under applicable New Jersey or Federal law;

17. Has committed an act of professional negligence or omission of professional responsibility that is repeated, willful or knowingly committed, or has committed gross negligence, in the opinion of the Board; or

18. For such other reasons as the Board might deem reasonable and appropriate to protect the health, safety, and welfare of the residents of any nursing home.

(b) Pursuant to N.J.S.A. 30:11-21, the Board shall have the right of inquiry into the operations of a facility and review of statement of deficiencies and penalties issued by the Department in accordance with this chapter and pursuant to N.J.S.A. 30:11-21.

(c) Pursuant to N.J.S.A. 30:11-21 (e), the Board shall have the power to:

1. Require an administrator, owner, employee, or anyone having knowledge pertaining to a matter before the Board to provide information to the Board or to appear before the Board;
2. Place a letter of reprimand in the Department file of an administrator;
3. Place a letter of censure or warning in the Department file of an administrator;
4. Require an administrator to complete continuing education credits in specified areas in addition to the continuing education hours required for licensure renewal;
5. Require an administrator to obtain counseling and assistance;
6. Issue a civil money penalty; and/or
7. Recommend to the Commissioner, the denial, suspension, summary suspension, or revocation of an administrator's license.

(d) Before the Board takes or recommends to the Commissioner to take any of the following actions, the individual shall be afforded due notice and the opportunity to be heard, in accordance with N.J.S.A. 30:11-17:

1. Refuse to issue a license;
2. Issue a written reprimand;
3. Recommend the suspension or revocation of a license;

4. Recommend the issuance of a money civil penalty in excess of \$250.00; or
5. Take other corrective or rehabilitative action against an individual.

8:34-8.3 Hearings

- (a) Any person, public officer, association, or the Department, may prefer charges against a licensee for due cause. Such charge shall be in writing and shall be submitted to the Board.
- (b) The Board shall review the charges and retain the authority to dismiss said charges and take no action thereon, by formal hearing or otherwise, in which case the complaint and supporting documentation shall be filed with the Department.
- (c) The Board may elect to issue a recommendation of denial, suspension, summary suspension or revocation of a license, in which case the Board shall forward notice of its recommendation, together with a specification of charges, to the applicant or licensee by registered mail.
- (d) Denial, suspension, summary suspension, or revocation shall become effective 30 days after mailing of notice unless the applicant or licensee, within said 30 day period, shall give written notice to the Department of a request for a hearing.
- (e) If a hearing is requested by the applicant or licensee, the denial, suspension, summary suspension, or revocation action shall be held in abeyance until final adjudication of the complaint.
- (f) An order of denial, suspension, summary suspension, or revocation shall contain such provisions regarding reinstatement of a license, including but not limited to, a designated period of time for a suspension, as the Board shall recommend. In the absence of any such provisions regarding reinstatement in an order or revocation, the revocation shall be deemed to be permanent.
- (g) The applicant or licensee shall be afforded an opportunity for a prompt and fair hearing before a final decision is made on the matter of denial, suspension, summary suspension, or revocation, or the issuance of a civil money penalty in excess of \$250.00. The procedure governing such hearing shall be in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1.1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

8:34-8.4 Restoration and reinstatement of a license

- (a) Upon written application for restoration of a license, the Board in its discretion may grant the applicant a hearing upon notice.
- (b) If conviction of a crime, which resulted in the revocation or suspension of a license, is subsequently reversed on appeal and the accused acquitted or discharged, the license shall be restored, upon written request by the licensee to the Board.

SUBCHAPTER 9. FEES

8:34-9.1 Fees and charges

- (a) The following fees shall be paid by the applicant:
 1. Application fee.....\$100.00
 2. Original license fee
 - i. During the first year of a triennial renewal period..... \$300.00

- ii. During the second year of a triennial renewal period.....\$200.00
 - iii. During the third year of a triennial renewal period.....\$100.00
- 3. Triennial license renewal fee.....\$300.00
- 4. Late renewal fee in addition to renewal fee
 - i. One through 15 days late.....\$25.00
 - ii. Sixteen through 30 days late.....\$50.00
 - iii. Thirty one through 90 days late.....\$100.00
 - iv. Ninety one days late or more.....\$200.00
- 5. Duplicate license fee.....\$15.00
- 6. Duplicate certificate fee.....\$.15.00
- 7. License restoration fee
 - i. For a license inactive for one through three years, in addition to the triennial license fee..... \$200.00
 - ii. For a license inactive over three years, in addition to the triennial license fee..... \$200.00 plus \$100.00 for each year over three
- 8. Annual fee for submission of a continuing education program application to be approved by the Board
 - i. Two hours or less.....\$25.00
 - ii. Three hours or more.....\$50.00
 - iii. Governmental agencies shall be exempt from the payment of this fee.
- 9. Late notification fee for failure to report changes such as an administrator's name, home address, place of employment as the administrator of record in New Jersey, or failure to provide information as required by regulation
 - i. One through 15 days late..... \$10.00
 - ii. Sixteen through 30 days late..... \$40.00
 - iii. Thirty one days late or more..... \$40.00 plus \$2.00 per day

(b) Prior to taking the licensure examination, each applicant shall submit an examination fee in the amount specified by the professional examination service utilized by the Department for the administration of the examination and approved by the Department with the advise of the Nursing Home Administrator's Board in accordance with N.J.S.A. 30:11-13. The Department shall provide timely notice of the examination fee in the Public Notices section of the New Jersey Register.

(c) All fees collected under the provisions of this subchapter are non-refundable.